

REMARKS

A. GENERALLY

Applicant thanks the examiner for extending the courtesy of a telephone interview to Applicant on December 4, 2008. Applicant's summary of the interview is attached hereto.

Claims 18-35 remain in the Application. Claims 1-17 were previously canceled. Claims 18, 21, 22, 25, 28 and 29 have been amended. Claims 32-35 have been added. No new matter has been added. A request for continued examination is filed herewith.

B. CLAIM REJECTIONS

1. Claim Rejections Pursuant to 35 U.S.C. § 112

Claims 18-21 and 25-28 have been rejected under 35 U.S.C. § 112(1) as lacking support in the specification for the claims packet counter.

The independent claims generally recite a CMTS comprising a packet counter. The packet counter is disclosed in the Specification at ¶47:

[47] Having received the SNMP command (e.g. show counters) 314, the subscriber's cable modem responds with current values of data transfer counters 315. Counters include total number of packets and bytes for both upload and download data transfers (i.e. four counters). The values are received by the CMTS and stored for subscriber billing 316. The counters may be reset to zero using a clear cable modem counters command 317. The counter retrieval process for the particular subscriber ends 318 and the process is then repeated for additional subscribers. As an alternate, the counters are not reset and current billing cycle data consumption is determined by difference. (Emphasis added by underlining.)

Applicant submits that the disclosure of ¶47 is sufficient support for the claimed packet counter.

2. Claim Rejections Pursuant to §§102 and 103

Claims 18, 19, 21-26, and 28-31 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2007/0214083 filed by Jones et al. Claims 20 and 27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Jones.

The Office Action asserts that the limitations of independent claims 18 and 25 are generally described by Jones.

Claim 18 (as amended) recites the following limitations:

18. (Currently Amended) A system for providing data filtering from a cable modem termination system (CMTS) in a cable data network comprising:

the CMTS, wherein the CMTS comprises a first network interface, a second network interface, a data gateway agent, and wherein the CMTS is configured for

obtaining a packet count from a packet counter, wherein the packet count is determined from at least one of a downstream packet count indicative of packets received via the first network interface and sent to a subscriber device via the second network interface and an upstream packet count indicative of the packets received from the subscriber device via the second network interface for transmission via the first network interface; and

a datastore accessible to the data gateway agent for storing a selected data transfer rule, wherein the selected data transfer rule comprises URL filtering criteria selected by a subscriber, and

wherein the data gateway agent receives the packets via the first network interface prior to receipt of the packets by the packet counter, accesses the datastore, uses the URL filtering criteria to make a filtering determination with respect to the packet, wherein the filtering determination is selected from the group consisting of allowed and blocked, and if the packet is allowed, then forwards the packet to the packet counter for counting, and if the packet is blocked then applies a corrective measure to the packet.

Independent claim 18 (as amended) is drawn to a system for providing data filtering at a CMTS. The filtering is performed before packets arrive at counters in the CMTS, so that packets that are not desired by a subscriber are not sent to the subscriber and counted against a subscriber limit. The filtering is performed by application of a data transfer rule comprising URL filtering criteria selected by the subscriber.

The Office Action cites paragraphs 0072, 0035 and 0036 of Jones as teaching rules that are selected by a subscriber. Applicant respectfully submits that the policies described in Jones are not subscriber selected but rather are imposed on the subscriber by Jones' service provider. Paragraph 0072 describes a policy that is enforced by a policy enforcement point. Paragraph 0072 does not disclose how the policy is determined and particularly does not teach or suggest that the policy is set by the subscriber.

Paragraph 0036 describes a policy that compares a prepaid account balance to a threshold to determine if the balance is sufficient to allow the subscriber terminal to access a data network. Paragraph 0038 describes a policy whereby if the subscriber does not meet a threshold or, alternatively, if the subscriber terminal does not have an account, the policy decision point 24 may instruct a data gateway to redirect a subscriber to a website where the subscriber may add funds to an existing account or create an account. Policies are also described for authenticating a subscriber (i.e., ¶0054).

At paragraph 0061, Jones describes a policy that is directed to counting packets, files, or other measures of usage. These policies are used for the benefit of the service provider to

enforce a prepaid subscription service. While the subscription service "level" may be selected by the subscriber, the subscriber has no independent control over the policies established for that service level by the service provider. (See, for example, paragraph 0079.)

Jones suggests that the user may elect to allow or disallow certain protocols (see, Jones, paragraph 0058) but does not suggest how such an election is enabled. Additionally, Jones does not explain whether a packet of a disallowed protocol is counted against the pre-paid subscription even if the packet is not received by the subscriber.

Finally, Jones does not teach or suggest filtering packets by URL before the packets are counted as recited in claim 18 (as amended).

Based on the foregoing, Jones does not anticipate claim 18 (as amended). Claims 19-24, 32 and 34 as currently listed depend from claim 18 (as amended) and recite all of the limitations of that base claim. Claims 18, 19, 21-24, 32 and 34 are not, therefore, anticipated by Jones. For the reasons set forth above, claim 20 is patentable over Jones.

Independent claim 25 has been amended to recite limitations equivalent to those discussed above with respect to claim 18 (as amended). Based on the foregoing, Jones does not anticipate claim 25 (as amended). Claims 26-31, 33 and 35 as currently listed depend from claim 25 (as amended) and recite all of the limitations of that base claim. Claims 25, 26, 28-31, 33 and 35 are not, therefore, anticipated by Jones. For the reasons set forth above, claim 27 is patentable over Jones.

C. SUPPORT FOR THE AMENDED CLAIMS

Independent claims 18 and 25 have been amended to recite a subscriber selected data transfer rule comprising URL filtering criteria. New dependent claims 32-35 recite limitations directed to the selection of URL categories. The specification of the present application discloses filtering of packets using URL criteria. The following disclosures from the present application are illustrative and not to be considered limiting:

[91] Another important example of application level filtering is universal resource locator (URL) filtering. A URL is the address of a file (resource) accessible on the Internet. The complete URL contains the name of the protocol required to access the resource, a domain name that identifies a specific computer on the Internet, and a hierarchical description of a file location on the computer.

[92] URLs are used instead of IP addresses when accessing Internet data sources. For example, a popular URL is <http://www.uspto.gov> and designates the home page of the US Patent and Trademark Internet website. URLs are more convenient to use than an IP

address such as 12.92.116.135. Further, URLs are often referenced to dynamically assigned IP addresses.

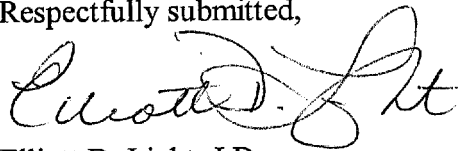
[93] For purposes of URL filtering, normally only the domain name is needed. Due to the large number of URLs that exist, it is convenient to group URLs into categories. Figure 10 illustrates an exemplary selection screen that allows a data cable subscriber to select URL categories to allow or block. When a URL category is blocked, data packets to or from Internet locations with domain names identified as belonging to that category are blocked.

Additional disclosure relating to URL filtering may be found in Figures 9-11.

D. CONCLUSION

Applicant respectfully submits that the claims as currently listed are in condition for allowance. Applicant requests that this response be entered and that the current rejections of the claims now pending in this application be withdrawn in view of the above amendments, remarks and arguments.

Respectfully submitted,



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